



# Working with Children Check Policy

## Purpose

To enable Monivae College to meet the Victorian state government legislative requirements of the Working with Children Act 2005 and contribute to child safe practices relating to employees and contractors of the School, and volunteers who are engaged in child-related work in the occupational fields or other areas that deliver education and services within the School.

## Scope

This policy applies to all Monivae College existing, new and prospective employees, contractors and volunteers who are to be engaged in child-related work in the occupational fields or other areas that deliver education and services within the School, that usually involves direct contact with a child or children. Employees who are registered under the Victorian Institute of Teaching Act 2001 (e.g. teachers) do not require a WWC Check or Card.

## Legislative Context

- Working with Children Act 2005.
- Working with Children Regulations 2006.
- Education and Training Reform Act 2006.
- Department of Justice - Working With Children Check.

## Definitions

Term	Definition
Assessment Notice	As defined in the Working with Children Act 2005 which states that the person to whom the Notice has been issued has passed a working with children check.
Child/ren	Any person/s under the age of eighteen years.
Child-related work	Means work involved in one or more of the occupational fields or other areas that deliver education and services that usually involves direct contact with a child or children. Child related work does not include incidental or occasional contact with child/ren.
Child safe recruitment practices	Means child safe recruitment practices as outlined in the Strategies for Child Safe Employment, Supervision and Training.
Criminal charge/s or offence/s	Does not include traffic or civil charges or offences.
Direct contact	Means any contact between a person and a child/ren that involves face-to-face contact or, contact by post or other written communication, or contact by telephone or

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	other oral communication, or contact by email or other electronic communication.
Engaged	Includes employed.
Interim Negative Notice	Issued as prescribed under the Working with Children Act 2005 on an interim basis, pending further information whereby the individual does not meet the requirements necessary in order to be issued an Assessment Notice and a WWC Card.
Negative Notice	As defined in the Working with Children Act 2005 which states that the person to whom the notice has been issued has not passed a WWC Check.
Occupational Fields	Includes the following from 'Camps to Transport':
	<b>Camps</b> All overnight camps for children
	<b>Clubs and Associations</b> Clubs, associations, or movements of a cultural, recreational or sporting nature.
	<b>Coaching and Tuition</b> Coaching or tuition services of any kind specifically for children.
	<b>Counselling Services</b> Counselling or other support services for children.
	<b>Educational Institutions</b> Educational institutions for children, specifically: <ul style="list-style-type: none"> <li>TAFE colleges and TAFE divisions of universities providing VCE and/or Victorian Certificate of Applied Learning (VCAL) subjects .</li> </ul>
	<b>Kinship Care</b> Where a person is a family member or, other person of significance to a child or, the child is or has been placed in the out of home care of that person under the Children, Youth and Families Act 2005. Out of home care means care of a child by a person other than a parent of the child.
	<b>Photography Services</b> Commercial photography services for children unless they are merely incidental to or in support of other business activities.
	<b>Religion</b> Ministers of religion.
	<b>School Crossings</b> School crossing services.
<b>Student Exchange Programs</b> Accommodation services specifically provided for students as part of a student exchange program under Part 4.5A of the	

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	Education and Training Reform Act 2006, including accommodation in a person's home such as a homestay arrangement.
	<b>Transport</b> Publicly funded or commercial transport services specifically for children.
Prospective	Means any person that is likely to be offered paid employment or engagement.
Volunteer	Means an unpaid engagement and unpaid student placement.
Work	Means paid or unpaid engagement or employment.
Working with Children Check	A legislative requirement and process of assessment as prescribed in the Working with Children Act 2005 and subsequent Regulations 2006.
Working with Children Card	A card issued pursuant to the Working with Children Regulations 2006 which evidences that the holder has been given an Assessment Notice.

## Policy Statement

The School is committed to providing a child safe environment and ensuring that children are able to experience the fundamental right to be safe from all forms of child abuse

This policy will ensure compliance with the requirements of the Working with Children Act 2005 and its regulations. The policy will apply to the occupational fields or other areas that deliver education and services to children that are part of and operate across sectors of the School.

Monivae College requires all current, prospective employees, contractors and volunteers who are to be engaged in child-related work in the occupational fields or other areas that deliver education and services within the School to:

- have a current WWC Check and subsequent WWC Card, or
- undergo a WWC Check as prescribed by the Working with Children Act 2005.

All current, prospective employees, contractors or volunteers must hold a current Assessment Notice and a WWC Card prior to engaging in any child-related work in the occupational fields or other areas that deliver education and services within the School.

As per the Working with Children Act 2005, it is the responsibility of employees to obtain an Assessment Notice and WWC Card prior to engaging in any child-related work within the School. New and prospective employees will be required to present and have sighted their WWC Card prior to commencement of employment. WWC Cards issued for volunteers cannot be used for paid employment or engagement.

Where it is deemed that a new or prospective employee, contractor or volunteer will be required to have a WWC Check to work in child-related work, commencement of employment or engagement must not take place until such time that they have been issued an Assessment Notice and WWC Card.

It will be the responsibility of each employee, contractor or volunteer to renew and fund their WWC Card when it expires. It is an offence under the legislation to continue child related work until a valid Assessment Notice and WWC Card is re-issued.

The WWC Check is valid for 5 years or as otherwise amended by legislation. The Business Manager will monitor and record renewal dates for contractors and volunteers. The Finance Officer will record renewal dates for all employees.

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The collection, recording and storage of WWC information will be the responsibility of the Principal, Business Manager and Finance Officer and will be conducted in accordance with the School's Information Privacy Policy and any other relevant legislative requirements.

Where there is a relevant change of circumstance relating to the holder of a WWC Card, the holder must notify the Principal or Business Manager in writing of the change within 7 days. A relevant change includes the holder being charged or convicted of an offence relating to children of a type specified in the Working with Children Act 2005 or a non-conviction dealt with other than by conviction or finding of guilt for serious sexual, violent or drug offences.

In the case of an employee, contractor or volunteer receiving a Negative Notice after a WWC Check has been conducted, the School may take (and not be restricted to) any of the following steps against a current or prospective employee, contractor or volunteer:

- cease the work; or
- modify the work processes or duties associated with the child-related work; or
- re-design the position or work required; or
- re-deployment; or
- not make an offer of employment or engagement; or
- terminate the employment or engagement as per due process.

An employee, contractor or volunteer who receives an Interim Negative Notice will have the right of appeal as legislated in the Working With Children Act 2005. In this case, the School will take the necessary course of action that will ensure compliance to the legislation.

## Responsibility

The Principal is responsible for ensuring the effective implementation of this policy and associated procedures.

The Business Manager will be responsible for administering the policy and associated procedures.

## Supporting Documents

- Working With Children Check (WWCC) Procedure.
- Child Safe Policy.
- Child Safe Code of Conduct.

## Implementation

This policy will be implemented throughout the school community via:

- policy library section of the school intranet; and
- policies section of the school website
- distribution of email to all Directors.